

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SHANNON BOND,

Plaintiff

Index No.

-against-

VERIFIED COMPLAINT

PHILIP W. CHAU and
JOSEPH IMPERATRICE

Defendants.
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Plaintiff, by his attorney, Robert Dembia, P.C., alleges upon information and belief and at all material times as follows:

1. Plaintiff is an individual, residing at 252 Knickerbocker Ave., Brooklyn, NY 11237.
2. Defendant PHILIP W. CHAU is an individual and at all material times was an employee of the City of New York a New York City Police Officer acting within the scope of employment and under the color of state law.
4. Defendant JOSEPH IMPERATRICE is an individual, and at all material times was a sergeant in the New York City Police Department and an employee of the City of New York acting within the scope of employment and under the color of state law.
5. Defendants were and are police officers and employees of the Defendant CITY OF NEW YORK, and at all times herein were acting in such capacity as the agents, servants and employees of the City of New York and they were acting under color of state law, as New York City Police Department employees.
5. On or about July 13, 2012, on Houston Street, in the vicinity of Ridge Street, New York, New York, County of New York, City and State of New York defendants jointly and severally in their capacities as police officers and employees of the City of New York, were

present and without objection, wrongfully participated as plaintiff was assaulted, battered, searched, seized through the use of excessive force wrongfully caused damage to plaintiff and depriving him of his federal rights to be free from unlawful assault, excessive force, search and seizure, and said officers' wrongful conduct.

6. The attack against plaintiff was malicious. Plaintiff was defenseless and restrained and defendants participated as plaintiff was assaulted and battered, causing serious and severe injuries.

7. At the time in question, the defendants did not have legal cause to assault, batter plaintiff, or use excessive force against him, cause damage, seize the plaintiff, cause damages to him and deprive him of his federal rights, prosecute him, or to commit the other wrongful acts against the plaintiff, nor were any of these acts privileged under law.

8. Defendants used excessive force and permitted excessive force against plaintiff; the force used against plaintiff was wrongful and without basis.

9. One or more of the exemptions set forth in CPLR 1601 or 1602 applies.

AS AND FOR A FIRST CAUSE OF ACTION

10. As a result of the foregoing, the defendants are liable to plaintiff for negligence in an amount that exceeds the limits of all courts that would otherwise have jurisdiction of this action.

AS AND FOR A SECOND CAUSE OF ACTION

11. Plaintiff repeats, reiterates and re-alleges all of allegations of this Complaint, as if set forth at length.

12. As a result of the foregoing, the defendants are liable to plaintiff for assault in an amount that exceeds the limits of all courts that would otherwise have jurisdiction of this action.

AS AND FOR A THIRD CAUSE OF ACTION

13. Plaintiff repeats, reiterates and re-alleges all of allegations of this Complaint, as if set forth at length.

14. As a result of the foregoing, the defendants are liable to plaintiff for battery in an amount that exceeds the limits of all courts that would otherwise have jurisdiction of this action.

AS AND FOR A FOURTH CAUSE OF ACTION

15. Plaintiff repeats, reiterates and re-alleges all of allegations of this Complaint, as if set forth at length.

16. Defendants failed participated in the assault on plaintiff and failed to properly supervise the arrest and direct proper law enforcement procedures designed to prevent and avoid the assault against citizens.

17. As a result of the foregoing, the defendants are liable to plaintiff for negligence in an amount that exceeds the limits of all courts that would otherwise have jurisdiction of this action.

AS AND FOR A FIFTH CAUSE OF ACTION

18. Plaintiff repeats, reiterates and re-alleges all of allegations of this Complaint, as if set forth at length.

19. The defendants their agents, servants or employees failed to take reasonable steps to stop the assault against the Plaintiff and instead maliciously and deliberately allowed the assault and battery to proceed and be continued.

AS AND FOR A SIXTH CAUSE OF ACTION

20. Plaintiff repeats, reiterates and re-alleges all of allegations of this Complaint, as if set forth at length.

21. The above actions resulted in plaintiff being deprived of the following rights under the United States Constitution:

- a. Freedom from summary punishment;
- b. Freedom from cruel and inhuman punishment;
- c. Freedom from illegal search and seizure;
- d. Freedom from excessive force;
- e. Freedom from assault;
- f. Freedom from battery.

22. The defendants subjected the plaintiff to these deprivations, in a malicious, reckless way, with disregard of and plaintiffs rights, including plaintiff's federal rights and with deliberate indifference to the plaintiff's rights, including plaintiff's federal rights.

23. The defendants are culpable by participating in and allowing the assault to occur, and failing to instruct police officers who, absent the consent of the Plaintiff (or similarly situated individuals) or without the possession of a proper court authorized arrest or search warrant or probable cause, said police officers of the City of New York are not to assault, batter and use excessive force against individuals such as the Plaintiff.

24. Defendants are culpable due to failure to implement a policy in it Police Department and to properly enforce the law, which forbids

- a) assault and battery on private citizens.

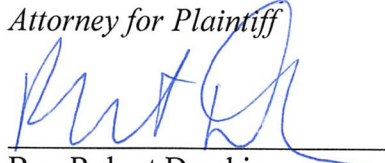
25. The foregoing acts, omissions and systemic failures are customs and policies of the defendants a co-workers and supervisors which allowed the police officers to assault and batter plaintiff and use excessive force against him, under the belief that they would suffer no disciplinary actions for these improper action that deprived plaintiff of federal rights, under the United States Constitution, including but not limited to the Fourth, Fifth and Fourteen Amendments.

26. As a result of the foregoing, the defendants are liable to plaintiff for deprivation of federal, civil and constitutional rights and plaintiff is entitled to redress of 42 U.S.C. 1981, et seq., including 1983 and 1988, in an amount that exceeds the limits of all courts that would otherwise have jurisdiction of this action.

WHEREFORE, plaintiff demands judgment against the defendants in an amount that exceeds the jurisdictional limit of all courts that otherwise would have jurisdiction, costs, disbursements, attorney fees, punitive damages, and any other relief which to the Court appears just and proper.

Dated: New York, New York
July 14, 2013

ROBERT DEMBIA, P.C.
Attorney for Plaintiff



By: Robert Dembia
125 Maiden Lane, Suite 3E
New York, NY 10038
(212) 226-5905

VERIFICATION

ROBERT DEMBIA, an attorney licensed to practice in the State of New York, affirms under penalty of perjury as follows:

I am the attorney for the plaintiff in this action.

I have read the foregoing Complaint and know the contents thereof. The same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to these matters, I believe them to be true.

This verification is made by me and not the party I represent because the party I represent resides in a county other than the one in which I have my office.

The grounds of my belief as to all matters stated on information and belief are derived from documents in our file and information reported to me by others.

Dated: July 14, 2013



ROBERT DEMBIA